



MAYOR AND COUNCIL AGENDA

NO. 10

DEPT.: Community Planning and Development Services / DATE PREPARED: 8/30/05
STAFF CONTACT: Cas Chasten, Planner III FOR MEETING OF: 9/12/05

SUBJECT: Introduction and Adoption of Ordinance to amend the zoning map per Annexation Petition ANX2005-00137, Steven A. & Tracy L. Clark. Petition for annexation of 1.06 acres of land known as 9101 Scott Drive, legally described as Lot 7, Block "A," Potomac High Lands.

RECOMMENDATION: Introduce Ordinance to Amend the Zoning Map by adding 1.06 acres of land located at 9101 Scott Drive, owned by Steven A. & Tracy L. Clark, and placing it into the R-E (Residential Estate) Zone.

If the Mayor and Council wish to introduce the ordinance and proceed to adoption at the same meeting, the ordinance should first be introduced, then a motion should be made to waive the layover period. If the motion to waive the layover period is approved by an affirmative vote of four members of the Mayor and Council, the Council may then proceed to move to adopt the attached ordinance.

DISCUSSION: The petitioners request annexation of the referenced property, consisting of a single parcel of land approximately 1.06 acres in size, into the City of Rockville. The parcel is currently improved with a single family detached dwelling. The property is currently served by an on-site private well and septic system. Based on information provided by the petitioners, the septic system serving the residence has failed. Upon annexation, the petitioners plan to eliminate both the private well and septic system and connect to City of Rockville water and sewer services.

The property is currently zoned for Montgomery County's R-200 (Residential, One Family) land usage. The petitioners request that upon annexation the subject property be classified to the R-150 (Medium Density Residential) zone in the City of Rockville. Staff recommends the property be classified to the R-E (Residential Estate) zone, which has a minimum lot size requirement of a minimum of 40,000 square feet, thus comparable to the size of the subject property and consistent with the Comprehensive Master Plan Land Use Map designation of Low Density Detached Residential.

The subject petition has been submitted in accordance with provisions of Article 23A of the Annotated Code of Maryland, which specifies procedures for annexation to a municipal corporation. This law requires the Mayor and Council to introduce a resolution to propose annexation promptly upon being petitioned to do so. In accordance with said provision, the Mayor and Council introduced a resolution to enlarge the corporate boundaries of the City to include the subject property, at its meeting on June 13, 2005. At that meeting, the Mayor and Council also adopted a resolution to provide for a public hearing in connection with the annexation of the subject property.

Boards and Commissions Review: Section 25-99 of the City of Rockville Zoning & Planning Ordinance requires the Planning Commission also to hold a public hearing on the request, so that interested persons who wish to speak and/or submit written comments into the official record have an opportunity to do so. The Planning Commission held its public hearing on July 27, 2005. After

hearing and considering the information and testimony provided at the Commission's public hearing on this matter, the Commission closed the public hearing and entered into its discussion on the request. After discussing the request, the Commission went back on the record and on a motion by Commissioner Holtz, which was duly seconded by Commissioner Ostell, the Commission voted unanimously to recommend to the Mayor and Council that upon annexation into the City of Rockville the subject property be zoned for R-E (Residential Estate) land usage. The recommendation was forwarded separately to the Mayor and Council for its consideration. At its August 1, 2005 meeting, the Mayor and Council held a public hearing on the annexation petition. After hearing and considering all of the information and testimony provided, the Mayor and Council closed the public hearing and entered into its discussion on the request. The Mayor and Council concluded its discussion on the request, instructed staff to close the record, and prepare for introduction of the Ordinance to amend the Zoning Map and adoption of the Resolution to enlarge the corporate boundaries of the City to include the petitioners property, placing it into the R-E (Residential Estate) Zone.

PREPARED BY:

Castor D. Chasten

Castor D. Chasten, Planner III

APPROVED BY:

R. James Wasilak

R. James Wasilak, AICP, Chief of Planning

9/1/05

DATE

APPROVED BY:

Arthur D. Chambers

Arthur D. Chambers, AICP, CPDS Director

9/1/05

DATE

APPROVED BY:

Scott Ullery

Scott Ullery, City Manager

09/05/05

DATE

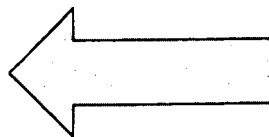
LIST OF ATTACHMENTS:

1. Site Vicinity Map
2. Annexation Petition
3. Staff Report

ANX2004-00137



SITE



N

9101 Scott Drive

Resolution No. 18-05

RESOLUTION: To provide for public hearing in connection with the annexation of 1.06 acres of land, more or less, of Steven A. and Tracy L. Clark

WHEREAS, a petition has been presented by Steven A. and Tracy L. Clark requesting that a parcel of land totaling 1.06 acres of land, more or less, be annexed by the Mayor and Council, which parcel is located on Scott Drive, and which has a premises address of 9101 Scott Drive, Rockville, Maryland; and

WHEREAS, the signatures on said petition have been verified and it has been ascertained that the persons signing said petition represent at least twenty-five percent (25%) of the persons who reside in the area to be annexed, who are registered voters in county elections in the precinct or precincts in which the territory to be annexed is located, and the owners of twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed; and

WHEREAS, pursuant to the provisions of Section 19(c) of Article 23A of the Annotated Code of Maryland, a resolution has been introduced which, if adopted, would annex the additional property referenced herein, which property is more particularly described in said resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

1. That the City Clerk is instructed to cause a public notice of the resolution which has been introduced which, if adopted, would annex property of Steven A. and Tracy L. Clark, to be published not fewer than two times at not less than weekly intervals in a newspaper of general circulation in the City of Rockville and the area to be annexed, said notice to specify that a public hearing will be held on the resolution in the office of the Mayor and Council at 7:00 p.m. or as

**BEFORE THE MAYOR AND COUNCIL
OF THE CITY OF ROCKVILLE, MARYLAND**

Annexation No. Anx2005-00137

PETITION FOR ANNEXATION

The undersigned property owner "Petitioner" hereby petitions the Mayor and Council of the City of Rockville pursuant to Section 19, Article 23 of the Annotated Code of Maryland to annex property into the corporate boundaries of the City of Rockville. In support of this request the Petitioner states as follows:

1. The property which is the subject of this annexation petition consists of 1.06 acres of improved land commonly known as 9101 Scott Drive, and legally described as Lot 7, Block "A", Potomac Highlands, recorded amongst the Land Records of Montgomery County at Plat Book 41 at Plat 2952 (Exhibit C), and more particularly described in the Metes and Bounds description (Exhibit A) attached for the Subject Property.
2. The Subject Property is contiguous to and adjoining the existing corporate limits of the City of Rockville.
3. Annexation of the Subject Property will not create any unincorporated area which is bounded on all sides by: i) real property presently within the corporate limits of the City of Rockville, or, ii) real property proposed to be within the City of Rockville, or, iii) any combination of incorporated properties, and proposed to be incorporated properties within the City of Rockville.
4. The Subject Property to be annexed into the City is owned by Steven A. and Tracy L. Clark, both of which are registered voters in county elections.
5. The property is served by a private on site well and septic system. The septic system serving the existing residence has failed (See Exhibit D). The applicant intends to eliminate the private well and septic system and connect to the City water and sewer service.

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8

6. The Subject Property is within the urban growth boundary of the City of Rockville, and annexation of the Subject Property is within the urban growth boundary of the City of Rockville, and annexation of the Subject Property will provide a logical corporate boundary for the City of Rockville.

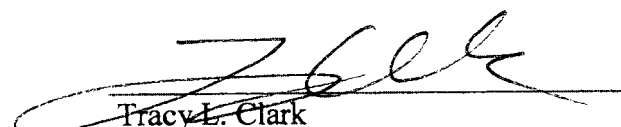
7. The Subject Property is currently classified in the R-200 (Residential, One-Family) zone in Montgomery County, which zoning classification is consistent with the current and duly adopted Master Plan. Petitioner requests that the Subject Property be classified in the R-150 zone in the City of Rockville which will permit a land use of a single family detached dwelling which is substantially similar to the use permitted in Montgomery County's R-200.

WHEREFORE, the Petitioner respectfully requests that the Mayor and the Council of the City of Rockville initiate all steps necessary for final enactment of a resolution annexing the Subject Property into the corporate boundaries of the City of Rockville.

PETITIONER:

By: 

Steven A. Clark


Tracy L. Clark

Exhibits:

- Application and Consent Form
- Property Description (Exhibit A)
- Property Sketch (Exhibit B)
- Record Plat (Pb41/Plat 2952)(Exhibit C)
- Letter to Montgomery County, Dept of Permitting Services, Well & Septic dated December 14, 2004 (Exhibit D)

CONSENT TO ANNEXATION

The undersigned is the owner of record, in fee simple, of the property located on 9101 Scott Drive and legally described as: Lot 7, Block "A", Potomac Highlands Pb 41, Plat 2952, recorded in the Land Records of Montgomery County, Maryland.

I hereby consent to annexation of the subject property and consent to its proposed annexation into the City of Rockville.

4/18/2005
Date

By:


Steven A. Clark



Tracy L. Clark

EXHIBIT "A"
LOT 7 – BLOCK "A"
POTOMAC HIGH LANDS

Being a parcel of land located in the Fourth (4th) Election District of Montgomery County, Maryland and being all of the land conveyed by John H. Woodhull, Trustee to Steven A. Clark and Tracy L. Clark by deed dated February 29, 2000 and recorded among the Land Records of Montgomery County, Maryland in Liber 17924 at Folio 709 and also being all of Lot 7, Block "A" as delineated on a Subdivision Record Plat entitled "Potomac High Lands" as recorded among the aforesaid Land Records as Plat No. 2952 and being more particularly described in said Plat Datum by Macris, Hendricks & Glascock, P.A. as follows:

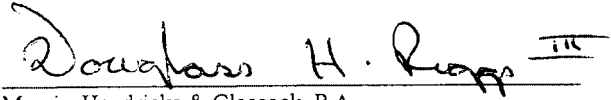
Beginning at a point on the northerly right-of-way limits of Scott Drive (60'R/W), said point being the common front corner of Lots 6 and 7, Block A, then leaving said Scott Drive and binding with the common line between said Lots 6 and 7

1. North 08°15'00" East, 252.88 feet to a point, said point being the common rear corner of the said Lots 6 and 7, Block A, then binding with the northerly platted limits of the said Lot 7, Block "A"
2. South 81°45'00" East, 159.40 feet to a point, then binding with the easterly platted limits of said Lot 7 and the westerly platted limits of Lot 4 as delineated on a Plat of Corrections entitled "Rock Falls" and recorded among the aforesaid Land Records as Plat No. 17480 then binding with said common line

3. South 02°24'47" West, 281.59 feet to a point, said point being on the
aforesaid northerly right-of-way limits of Scott Drive,
then binding with said right-of-way limits
4. North 73° 31'00" West, 190.00 feet to the point of beginning; containing
1.06 acres of land.

Parcel I.D. = 04-00088848

Certified correct to the best of our professional knowledge,
information and belief. If the seal and signature are not
violet colored, the document is a copy that should be
assumed to contain unauthorized alterations. The
certification contained on this document shall not apply to
any copies.



Macris, Hendricks & Glascock, P.A.
Douglass H. Riggs, III, Professional Land Surveyor
Maryland Registration No. 10712

05-114
SA001DHR



N/F
BD. OF EDUCATION
L.3557 F.397

4

S 81°45'00" E 159.40'



N 08°15'00" E 252.88'

7

1.06 Acres

S 02°24'47" W 281.59'

3

ROCK FALLS
PLAT 17480



6

POB

N 73°31'00" W 190.00'
SCOTT DRIVE
(60' R/W)

EXHIBIT "B"

LOT 7 BLOCK A
POTOMAC HIGH LANDS
PLAT 2952

1"=50' February, 2005
MONTGOMERY COUNTY, MARYLAND



MHG

Macris, Hendricks & Glascock, P.A.
Engineers ■ Planners
Landscape Architects ■ Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279

Phone 301.670.0840
Fax 301.948.0593
www.mhga.com

JOB NO. 2005-114

PLAT NO 2952 OWNERS' DEDICATION

We, Petrus A. Robinson and James A. Graham, joint tenants, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the building restriction lines as shown and dedicate the streets to public use.

WITNESSES:
J. Edgar Hoover
J. Edgar Hoover
J. Edgar Hoover

We assent to this plan of subdivision.

WITNESSES:
J. Edgar Hoover
J. Edgar Hoover
J. Edgar Hoover

WITNESSES:
J. Edgar Hoover
J. Edgar Hoover
J. Edgar Hoover

WITNESSES:
J. Edgar Hoover
J. Edgar Hoover
J. Edgar Hoover

WITNESSES:
J. Edgar Hoover
J. Edgar Hoover
J. Edgar Hoover

ENGINEER'S CERTIFICATE

We hereby certify that the plan shown herein is correct; that it is a subdivision of part of the lands conveyed by P. Calvert Clissel, et al. to Petrus A. Robinson and James A. Graham, by deed dated August 22, 1951, and recorded among The Land Records of Montgomery County, Maryland in Liber 17 of Folio 100 and iron pipes marked thus "a" and stones marked thus "b" are in place where shown.

Date: Sept. 22, 1951 MADDOX & HOPKINS, INC.

By *John A. Madrox*
REGISTERED LAND SURVEYOR

BLOCKS A, B & C

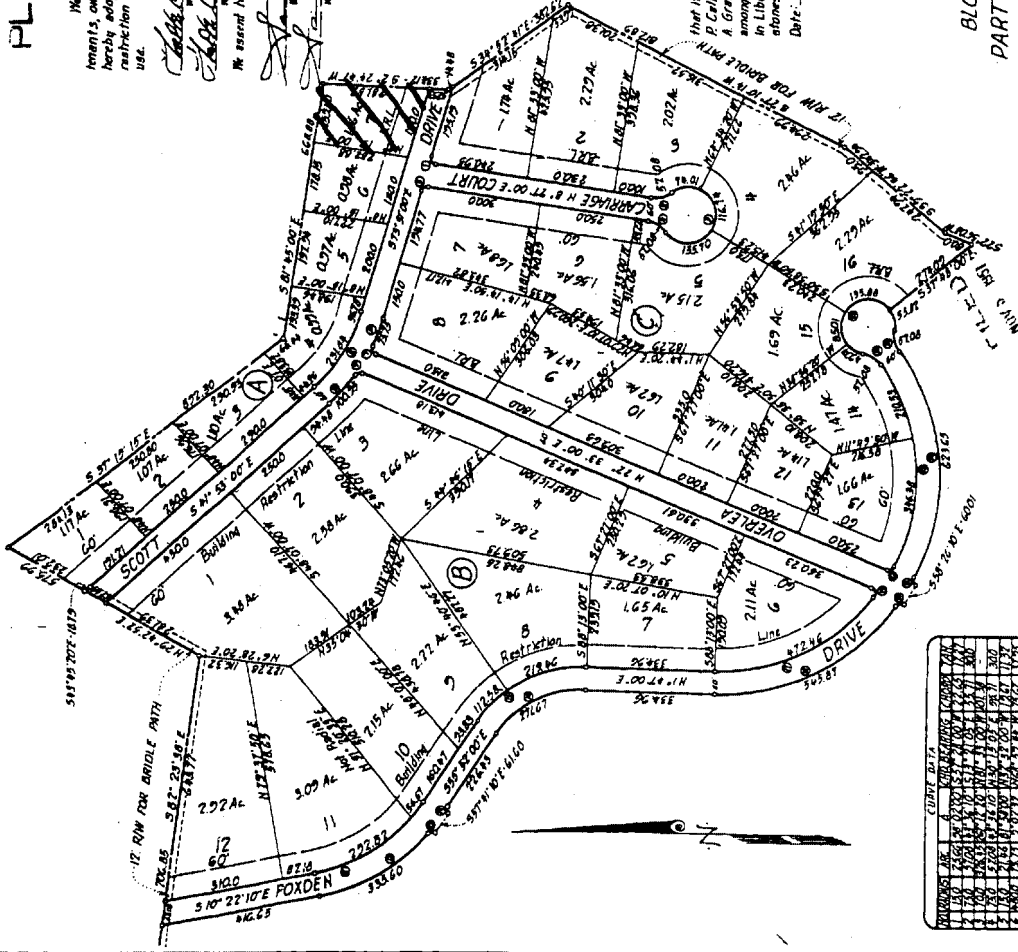
PART OF BLOCK-C

POTOMAC HIGH LANDS

MONTGOMERY COUNTY, MARYLAND

SCALE 1"=200' SEPTEMBER, 1951

MADDOX & HOPKINS, INC.
CIVIL ENGINEERS
SILVER SPRING, MD.



Block	Lot	Area	Remarks
Block A	1	2.00 AC.	Residential
	2	2.00 AC.	Residential
	3	2.00 AC.	Residential
	4	2.00 AC.	Residential
	5	2.00 AC.	Residential
	6	2.00 AC.	Residential
	7	2.00 AC.	Residential
	8	2.00 AC.	Residential
	9	2.00 AC.	Residential
	10	2.00 AC.	Residential
Block B	1	2.00 AC.	Residential
	2	2.00 AC.	Residential
	3	2.00 AC.	Residential
	4	2.00 AC.	Residential
	5	2.00 AC.	Residential
	6	2.00 AC.	Residential
	7	2.00 AC.	Residential
	8	2.00 AC.	Residential
	9	2.00 AC.	Residential
	10	2.00 AC.	Residential
Block C	1	2.00 AC.	Residential
	2	2.00 AC.	Residential
	3	2.00 AC.	Residential
	4	2.00 AC.	Residential
	5	2.00 AC.	Residential
	6	2.00 AC.	Residential
	7	2.00 AC.	Residential
	8	2.00 AC.	Residential
	9	2.00 AC.	Residential
	10	2.00 AC.	Residential



P.O. BOX 466.
Damascus, MD 20872

Office: 301-253-1400
301-258-8813
Fax: 301-253-4021

www.seekseptic.com

December 14, 2004

Montgomery County, Maryland
Department of Permitting Services
Well and Septic
255 Rockville Pike
2nd Floor
Rockville, MD 20850-4166
ATTN: Mr. Jay Beatty
RE: 9101 Scott Dr. Rockville, MD 20850

Dear Mr. Beatty,

On March 30, 2004 and December 8, 2004, I went to the above referenced property to pump out the septic tank. The level of effluent was above normal in the septic tank. There is an extensive amount of wastewater seeping back into the septic tank from the septic system. It is my opinion that the septic system has failed. Due to the health risks involved, I highly recommend immediate action take place on connecting this residence to city sewer if available.

I have notified the homeowner that it is their responsibility to contact Montgomery County Permitting, Well & Septic division at 240-777-6320, to confirm this request.

If you have any questions, please call my office.

Sincerely,

Vernon D. King III

Cc: Mr. And Mrs. Steve Clark

CITY OF ROCKVILLE PLANNING DIVISION
FINAL STAFF REPORT

August 30, 2005

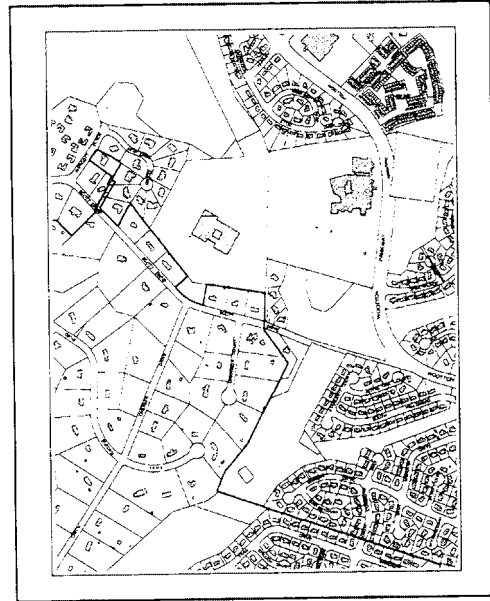
SUBJECT:

Annexation Petition ANX2005-00137

Petitioner: Steven & Tracy L. Clark
9101 Scott Drive
Rockville, Maryland 20850

Property Location: 9101 Scott Drive

Planning Commission Review Date: July 27, 2005
Mayor and Council Public Hearing Date: August 1, 2005

**REQUEST:**

The petitioners request annexation into the City of Rockville, property consisting of a single parcel of land containing 1.06 acres, located on Scott Drive in the Potomac High Lands subdivision. The property is presently improved with a single detached dwelling. The petitioners request the Mayor and Council zone the parcel for R-150 (Medium Density Residential) land usage, upon annexation from Montgomery County into the City of Rockville. Staff however would recommend the property be placed in the City's R-E (Residential Estate) zone, which has a minimum lot size requirement of 40,000 square feet, hence more comparable to the actual size of the subject site.

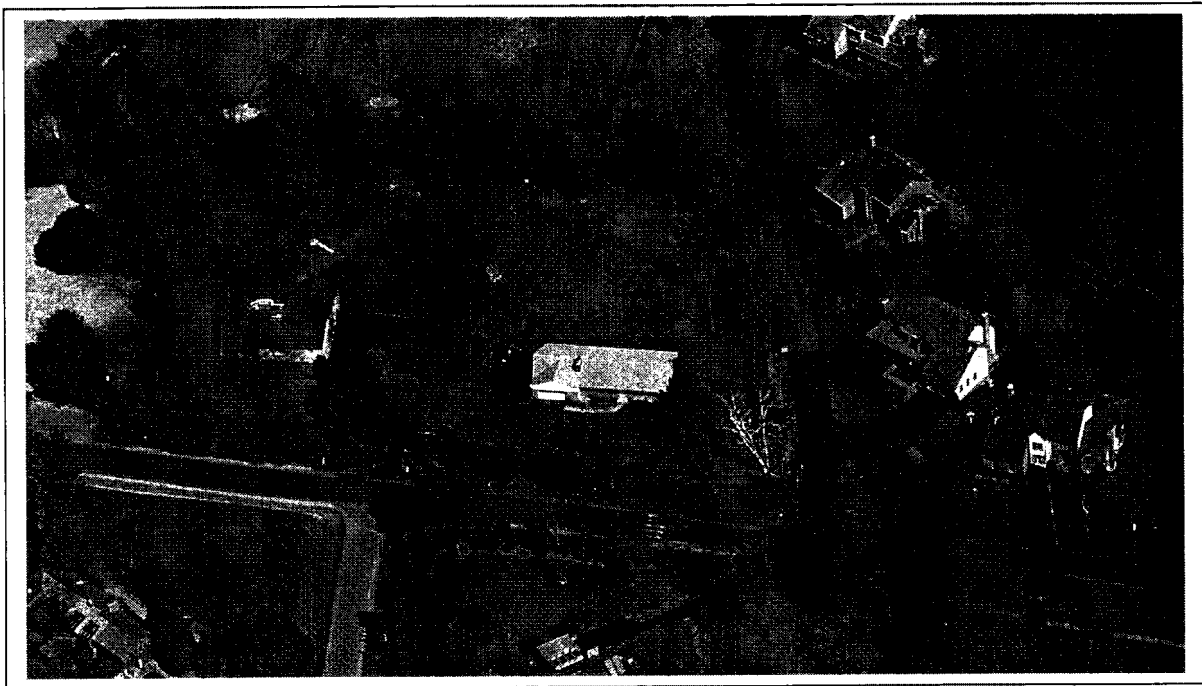
PREFACE:

The subject petition has been submitted in accordance with provisions of Article 23A of the Annotated Code of Maryland, which specifies procedures for annexation to a municipal corporation. The law requires the Mayor and Council to introduce a resolution to propose annexation promptly upon being petitioned to do so. The Mayor and Council are also required to conduct a public hearing simultaneously for adoption of a new zoning map of the affected area.

Prior to the Mayor and Council's public hearing, the Planning Commission is required to study the subject area and transmit to the Mayor and Council its recommendation as to the appropriate zoning of the property. The Rockville Zoning and Planning Ordinance requires the Planning Commission to conduct a public hearing in conjunction with recommending new zoning.

ANALYSIS:

The Property - The subject property is approximately 1.06 acres in size, fairly rectangular in shape, with comparable dimensions to other residential lots surrounding it. The property has vehicular access onto Scott Drive, improved with a single family detached dwelling, one story (with a basement) in height, and of masonry and frame construction. The property is currently zoned for Montgomery County's R-200 (Residential, One Family) land usage (minimum lot size of 20,000 square feet).



Aerial View of 9101 Scott Drive

Existing Land Use & Zoning in the Area – The subject property abuts land within the City of Rockville corporate limits to the north and east, which are zoned for R-E (Residential Estates) and R-150 (Medium Density) land usage respectively. The subject site is located on the north side of Scott Drive, northeast of Carriage Court. The applicants' property, is bounded on the north by Robert Frost Elementary School, northeast by Thomas E. Wootton High School, east by single-family detached dwellings, and south and west primarily by single-family detached dwellings located outside of the corporate limits of the City of Rockville. Based on available information the subject property and the neighboring residential properties to the west are not served by sewer but have access to public water lines located along/within Scott Drive. The subject property is currently served by a private well and septic system.

Public Services and Facilities – The subject property is not located within the Washington Suburban Sanitary District, thus water and sewer services cannot be provided from the Washington Suburban Sanitary Commission (WSSC). While City of Rockville public water

service is available along the site's Scott Drive frontage, sewer service is available approximately 700 ± east of the subject site, via sewer service lines that traverse Scott Drive. Upon annexation, the subject property would then be allowed to access said City water and sewer services. Any expense incurred in providing water and sewer services to the subject site shall be the responsibility of the property owners.

Montgomery County provides no services to the subject property that would have to be compensated if the property is annexed. There are no public facilities currently located on the property. Since the existing single-family property is the only property to be annexed under the subject request, it is extremely unlikely that neighborhood school capacities would be impacted by the annexation. City services such as police protection will be provided through general tax revenue. Any public improvements necessitated by future development such as storm drain or storm water management facilities will be the responsibility of the property owners, which would be constructed and installed under established permit and bond procedures.

Vehicular access to the site will continue to be from Scott Drive. A traffic study or statement is not required for the existing single family detached dwelling use, since the number of peak hour trips generated by a single family home are well below the threshold for requiring such analysis.

The Rockville Master Plan Regarding Annexation – The subject property is included in the City's Urban Growth Areas" as established in the approved and adopted 2002 Citywide Master Plan of the City of Rockville. The Plan further indicates that the area should be designated for single family detached residential use.

Montgomery County Master Plan – The Approved & Adopted 2002 Potomac Subregion Master Plan calls for single-family residential zoning and development of the subject property. As noted, the property is currently zoned for the County's R-200 (Residential, One Family) land usage classification. The Plan shows that the majority of surrounding County properties, within the site area zoned for RE-1 (one dwelling unit per acre) land usage.

Annexation Recommendation – Since the subject site lies within the Urban Growth Area of the City Rockville and is contiguous to the City of Rockville, approval of the annexation is recommended. Annexation of the property will assist the City's goal of promoting annexation for strategically situated properties near the City's boundaries.

The Maryland-National Capital Parks & Planning Commission (M-NCPPC) will review this application in the upcoming weeks. It is anticipated that the consent of the Montgomery County Council will not be required in this case, in that staff has recommended the subject property be placed in the City's R-E (Residential Estate) Zone, which allows comparable land uses allowed in the County's abutting RE-1 zone to the south and southwest.

Zoning Map

Procedure – When land is annexed all zoning upon that land which was imposed by the authority previously having jurisdiction will no longer exist. Hence, the Mayor and Council

must adopt a new zoning map to become effective upon annexation. State law imposes some limitation on the zoning of newly annexed land. The law requires in substance, that the land uses of the City zone must not be substantially different from the use specified in the adopted Montgomery County Master Plan, covering the subject property prior to its annexation. It also precludes the City of Rockville from consideration of rezoning to a zone that allows substantially different land uses for a period of five years without the consent of the County Council.

Montgomery County Zoning Requirements – The Potomac Subregion Master Plan prepared by M-NCPPC is the most current County Plan covering the subject property. The Plan recommends residential land use and designation of the property for single family detached dwelling usage. Single-family detached dwelling uses are permitted in the RE-1 and R-200 Zones, as per the Montgomery County Zoning Ordinance.

The Rockville Plan Regarding Land Use and Zoning – The land use plan of the 2002 Citywide Master Plan recommends single family residential land use for the subject site, which is comparable to the land uses found in the surrounding area.

Zoning Map Recommendation – Staff recommends the subject property be placed in the R-E (Residential Estate) Zone, if the Mayor and Council act to annex the property. The R-E Zone like the County's RE-1 Zone has a minimum lot size of 40,000 square feet. The land use recommendation is consistent with the recommendations found in the Rockville Master Plan and the applicable Montgomery County Plan.

/cdc

Attachments

Attachment "1" – Site Vicinity Map

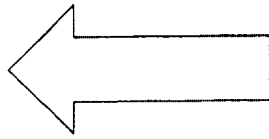
Attachment "2" – Resolution No. 18-05

Attachment "3" – Annexation Petition

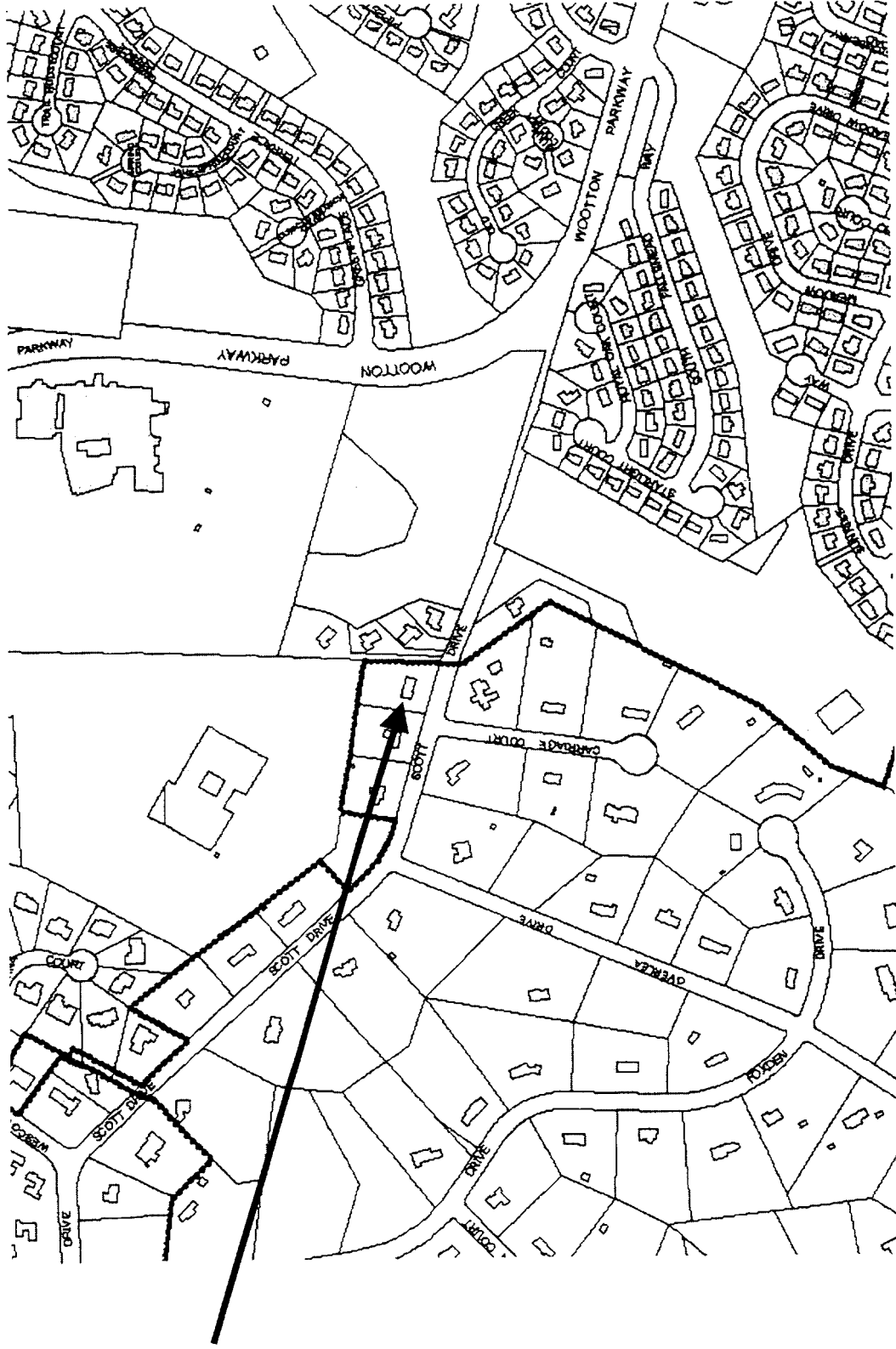
ANX2005-00137



SITE



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9101 Scott Drive



Resolution No. 18-05

RESOLUTION: To provide for public hearing in connection with the annexation of 1.06 acres of land, more or less, of Steven A. and Tracy L. Clark

WHEREAS, a petition has been presented by Steven A. and Tracy L. Clark requesting that a parcel of land totaling 1.06 acres of land, more or less, be annexed by the Mayor and Council, which parcel is located on Scott Drive, and which has a premises address of 9101 Scott Drive, Rockville, Maryland; and

WHEREAS, the signatures on said petition have been verified and it has been ascertained that the persons signing said petition represent at least twenty-five percent (25%) of the persons who reside in the area to be annexed, who are registered voters in county elections in the precinct or precincts in which the territory to be annexed is located, and the owners of twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed; and

WHEREAS, pursuant to the provisions of Section 19(c) of Article 23A of the Annotated Code of Maryland, a resolution has been introduced which, if adopted, would annex the additional property referenced herein, which property is more particularly described in said resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

1. That the City Clerk is instructed to cause a public notice of the resolution which has been introduced which, if adopted, would annex property of Steven A. and Tracy L. Clark, to be published not fewer than two times at not less than weekly intervals in a newspaper of general circulation in the City of Rockville and the area to be annexed, said notice to specify that a public hearing will be held on the resolution in the office of the Mayor and Council at 7:00 p.m. or as

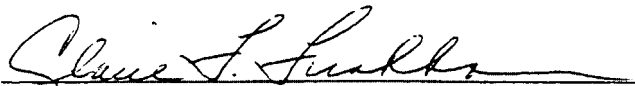
soon thereafter as it may be held, on the 1st day of August, 2005, in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland 20850.

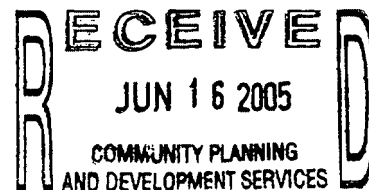
2. That the City Clerk is instructed to provide an outline for the extension of services and public facilities into the area proposed to be annexed to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission at least thirty days prior to the holding of the scheduled public hearing.

3. That immediately upon the first publication of the public notice of said resolution, the City Clerk is instructed to cause said public notice and the Planning Commission's Preliminary Report to be provided to the County Executive of Montgomery County, Maryland, Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission.

* * * * *

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council at its meeting of June 13, 2005.


Claire F. Funkhouser, CMC, City Clerk



BEFORE THE MAYOR AND COUNCIL
OF THE CITY OF ROCKVILLE, MARYLAND

Annexation No. Anx005-00137

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PETITION FOR ANNEXATION

The undersigned property owner "Petitioner" hereby petitions the Mayor and Council of the City of Rockville pursuant to Section 19, Article 23 of the Annotated Code of Maryland to annex property into the corporate boundaries of the City of Rockville. In support of this request the Petitioner states as follows:

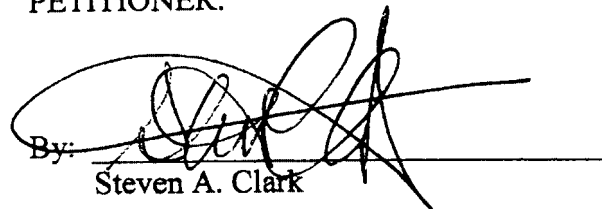
1. The property which is the subject of this annexation petition consists of 1.06 acres of improved land commonly known as 9101 Scott Drive, and legally described as Lot 7, Block "A", Potomac Highlands, recorded amongst the Land Records of Montgomery County at Plat Book 41 at Plat 2952 (Exhibit C), and more particularly described in the Metes and Bounds description (Exhibit A) attached for the Subject Property.
2. The Subject Property is contiguous to and adjoining the existing corporate limits of the City of Rockville.
3. Annexation of the Subject Property will not create any unincorporated area which is bounded on all sides by: i) real property presently within the corporate limits of the City of Rockville, or, ii) real property proposed to be within the City of Rockville, or, iii) any combination of incorporated properties, and proposed to be incorporated properties within the City of Rockville.
4. The Subject Property to be annexed into the City is owned by Steven A. and Tracy L. Clark, both of which are registered voters in county elections.
5. The property is served by a private on site well and septic system. The septic system serving the existing residence has failed (See Exhibit D). The applicant intends to eliminate the private well and septic system and connect to the City water and sewer service.

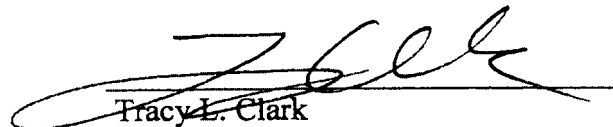
6. The Subject Property is within the urban growth boundary of the City of Rockville, and annexation of the Subject Property is within the urban growth boundary of the City of Rockville, and annexation of the Subject Property will provide a logical corporate boundary for the City of Rockville.

7. The Subject Property is currently classified in the R-200 (Residential, One-Family) zone in Montgomery County, which zoning classification is consistent with the current and duly adopted Master Plan. Petitioner requests that the Subject Property be classified in the R-150 zone in the City of Rockville which will permit a land use of a single family detached dwelling which is substantially similar to the use permitted in Montgomery County's R-200.

WHEREFORE, the Petitioner respectfully requests that the Mayor and the Council of the City of Rockville initiate all steps necessary for final enactment of a resolution annexing the Subject Property into the corporate boundaries of the City of Rockville.

PETITIONER:

By: 
Steven A. Clark


Tracy L. Clark

Exhibits:

- Application and Consent Form
- Property Description (Exhibit A)
- Property Sketch (Exhibit B)
- Record Plat (Pb41/Plat 2952)(Exhibit C)
- Letter to Montgomery County, Dept of Permitting Services, Well & Septic dated December 14, 2004 (Exhibit D)

CONSENT TO ANNEXATION

The undersigned is the owner of record, in fee simple, of the property located on 9101 Scott Drive and legally described as: Lot 7, Block "A", Potomac Highlands Pb 41, Plat 2952, recorded in the Land Records of Montgomery County, Maryland.

I hereby consent to annexation of the subject property and consent to its proposed annexation into the City of Rockville.

4/18/2005
Date

By:


Steven A. Clark



Tracy L. Clark

EXHIBIT "A"
LOT 7 - BLOCK "A"
POTOMAC HIGH LANDS

Being a parcel of land located in the Fourth (4th) Election District of Montgomery County, Maryland and being all of the land conveyed by John H. Woodhull, Trustee to Steven A. Clark and Tracy L. Clark by deed dated February 29, 2000 and recorded among the Land Records of Montgomery County, Maryland in Liber 17924 at Folio 709 and also being all of Lot 7, Block "A" as delineated on a Subdivision Record Plat entitled "Potomac High Lands" as recorded among the aforesaid Land Records as Plat No. 2952 and being more particularly described in said Plat Datum by Macris, Hendricks & Glascock, P.A. as follows:

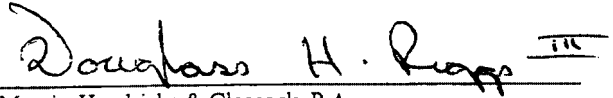
Beginning at a point on the northerly right-of-way limits of Scott Drive (60' R/W), said point being the common front corner of Lots 6 and 7, Block A, then leaving said Scott Drive and binding with the common line between said Lots 6 and 7

1. North 08°15'00" East, 252.88 feet to a point, said point being the common rear corner of the said Lots 6 and 7, Block A, then binding with the northerly platted limits of the said Lot 7, Block "A"
2. South 81°45'00" East, 159.40 feet to a point, then binding with the easterly platted limits of said Lot 7 and the westerly platted limits of Lot 4 as delineated on a Plat of Corrections entitled "Rock Falls" and recorded among the aforesaid Land Records as Plat No. 17480 then binding with said common line

3. South 02°24'47" West, 281.59 feet to a point, said point being on the
aforesaid northerly right-of-way limits of Scott Drive,
then binding with said right-of-way limits
4. North 73° 31'00" West, 190.00 feet to the point of beginning; containing
1.06 acres of land.

Parcel I.D. = 04-00088848

Certified correct to the best of our professional knowledge,
information and belief. If the seal and signature are not
violet colored, the document is a copy that should be
assumed to contain unauthorized alterations. The
certification contained on this document shall not apply to
any copies.



Macris, Hendricks & Glascock, P.A.
Douglass H. Riggs, III, Professional Land Surveyor
Maryland Registration No. 10712

05-114
SA001DHR



I:\05114\dwg\EX_00_01.dwg, MHG EXHIBIT 8X11, 4/13/2005 1:01:08 PM, donnebr, COPYRIGHT ©2005 MACRIS, HENDRICKS & GLASCOCK, P.A.

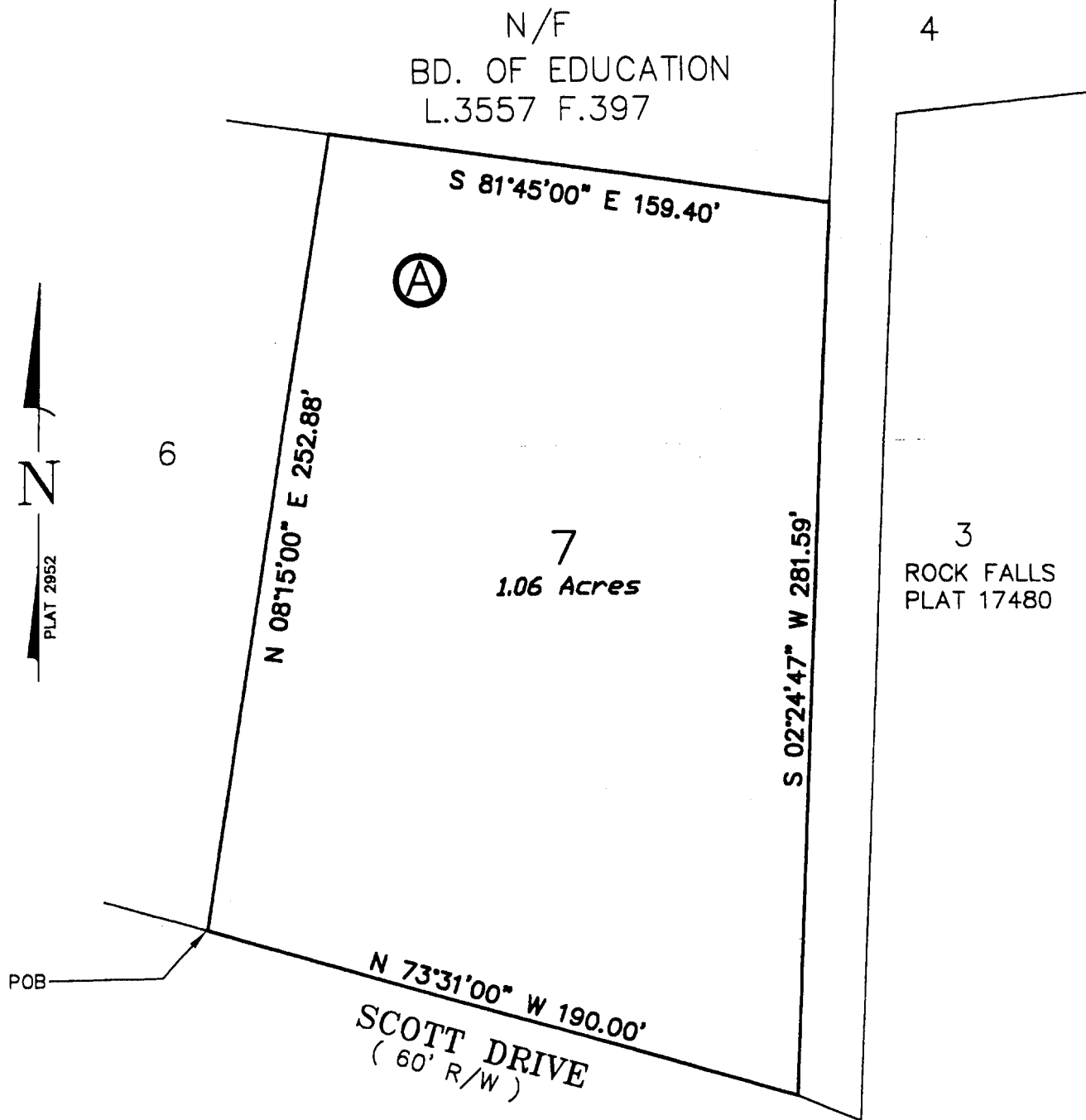


EXHIBIT "B"

LOT 7 BLOCK A
POTOMAC HIGH LANDS
PLAT 2952

1"=50' February, 2005
MONTGOMERY COUNTY, MARYLAND



MHG
9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279

Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

Phone 301.670.0840
Fax 301.948.0693
www.mhga.com

JOB NO. 2005-114

13

PLAT No 2952

OWNER'S DEDICATION

Mr. Patricia A. Robinson and James A. Graham, joint owners, of the property shown and described herein, hereby adopt this plan of subdivision, establish the building restriction lines as shown and dedicate the streets to public use.

Dated: Sept. 23, 1951.
Patricia A. Robinson
James A. Graham
 Owners

We record to this plan of subdivision.
Patricia A. Robinson
James A. Graham
 Witnesses

Dated: Sept. 23, 1951.
Patricia A. Robinson
James A. Graham
 Witnesses

ENGINEER'S CERTIFICATE

We hereby certify that the plan shown herein is correct; that it is a subdivision of part of the lands conveyed by R. Carter's Grant, et al. to Patricia A. Robinson and James A. Graham, by deed dated August 23, 1951 and recorded among The Land Records of Montgomery County, Maryland in Liber of Folio and two plans marked thus: and shows marked thus: are in place where shown.

Dated: Sept. 23, 1951. *MADDOX & HOPKINS, INC.*
 REGISTERED PROFESSIONAL ENGINEERS
 SILVER SPRING, MARYLAND

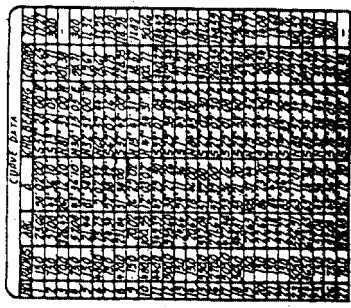
BLOCKS A, B, C
 PART OF BLOCK-C

POTOMAC HIGH LANDS

MONTGOMERY COUNTY, MARYLAND

SCALE 1"=200' SEPTEMBER, 1951

MADDOX & HOPKINS, INC.
 CIVIL ENGINEERS
 SILVER SPRING, MD.





P.O. BOX 466,
DAMASCUS, MD 20872

Office: 301-253-1400
301-258-8813
Fax: 301-253-4021

www.seekseptic.com

December 14, 2004

Montgomery County, Maryland
Department of Permitting Services
Well and Septic
255 Rockville Pike
2nd Floor
Rockville, MD 20850-4166
ATTN: Mr. Jay Beatty
RE: 9101 Scott Dr. Rockville, MD 20850

Dear Mr. Beatty,

On March 30, 2004 and December 8, 2004, I went to the above referenced property to pump out the septic tank. The level of effluent was above normal in the septic tank. There is an extensive amount of wastewater seeping back into the septic tank from the septic system. It is my opinion that the septic system has failed. Due to the health risks involved, I highly recommend immediate action take place on connecting this residence to city sewer if available.

I have notified the homeowner that it is their responsibility to contact Montgomery County Permitting, Well & Septic division at 240-777-6320, to confirm this request.

If you have any questions, please call my office.

Sincerely,

Vernon D. King III

Cc: Mr. And Mrs. Steve Clark

Ordinance No. _____

ORDINANCE:

To amend the Zoning Map by adding 1.06 acres of land, more or less, owned by Steven A. and Tracy L Clark, and placing said property in the R-E, Residential Estate Zone

WHEREAS, the Mayor and Council of Rockville, Maryland, on September 12, 2005, in accordance with the provisions of Section 19, Article 23A of the Annotated Code of Maryland, 1957 Edition, as amended, enacted a Resolution enlarging and extending the boundaries of the City of Rockville so as to include a parcel of land owned by Steven A. and Tracy L. Clark, containing 1.06 acres of land, more or less, which parcel is located on Scott Drive, having a street address of 9101 Scott Drive, Rockville, Maryland; and

WHEREAS, said Resolution is to become fully effective 45 days after adoption; and

WHEREAS, the City of Rockville Planning Commission, pursuant to Section 3.06 of Article 66B of the Annotated Code of Maryland, 1957 Edition, as amended, and Chapter 25, Section 25-99 of the Zoning and Planning Ordinance of the City of Rockville, Maryland, has recommended to the Mayor and Council the boundaries of the zoning district for said area to be annexed; and

WHEREAS, the Mayor and Council of Rockville gave notice that a public hearing on the adoption of the zoning map for said area would be held by the Mayor and Council of Rockville in the Council Chamber, Rockville City Hall on August 1, 2005 at 7:00 p.m., or as soon thereafter as it may be held, at which parties in interest and citizens would have the opportunity to be heard, which notice was published once each week for two successive weeks in a newspaper of general circulation in the City of Rockville, with the first such publication appearing at least fifteen days prior to the hearing; and

WHEREAS, on the 1st day of August , 2005, the said hearing was held at the time and place provided for in said advertisement; and

WHEREAS, the Mayor and Council of Rockville, having fully considered the matter, has decided on proper boundaries and zoning districts in said annexed area so as to promote the health, security and general welfare of the community of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

SECTION 1. That the map entitled "Zoning Map of the City of Rockville, Maryland dated January 1, 1975, as amended by Comprehensive Map Amendment as of August 4, 2003" together with all amendments thereto, said map as amended constituting the official Zoning Map of the City of Rockville, be and the same is hereby amended so as to incorporate as a part thereof the map entitled "Proposed Zoning Map – ANX2005-00137," which map places said property in the R-E, Residential Estate Zone, the annexation resolution for which tract was adopted on September 12, 2005, said map being dated July 27, 2005, and said map, sections or portions thereof, together with all notations, dimensions, designations, references and other data shown thereon are hereby adopted and made a part of the City of Rockville's Zoning Ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

SECTION 2. That the effective date of this ordinance shall be the date on which the annexation of the 1.06 acres of land, more or less, as described, to the City of Rockville, becomes finally effective.

Ordinance No. _____

* * * * *

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of

Claire F. Funkhouser, CMC, City Clerk